

**Local Government Act 1995**

**City of Joondalup**

**REPEAL LOCAL LAW 2017**

*Local Government Act 1995*

City of Joondalup

**Repeal Local Law 2017**

---

**CONTENTS**

---

**Part 1 - Preliminary**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Purpose and effect
- 1.4 Application

**Part 2 - Repeal**

- 2.1 Repeal of local laws

***Local Government Act 1995***

**City of Joondalup**

**Repeal Local Law 2017**

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Joondalup resolved on **[insert date]** to make the following local law.

**Part 1 - Preliminary**

**1.1 Citation**

This local law may be cited as the *City of Joondalup Repeal Local Law 2017*.

**1.2 Commencement**

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

**1.3 Purpose and effect**

- (1) The purpose of this local law is to repeal those local laws made obsolete by new legislation or considered no longer relevant within the City of Joondalup.
- (2) The effect of this local law is to repeal obsolete or outdated local laws within the City of Joondalup.

**1.4 Application**

This local law applies throughout the district.

**Part 2 - Repeal**

**2.1 Repeal of local laws**

The following local laws are repealed on the day that this local law comes into operation –

- (a) Bushfire Prevention and Control Local Law 1998 as published in the *Government Gazette* 8 January 1999;
- (b) Extractive Industries Local Law 1998 as published in the *Government Gazette* 8 March 1999;
- (c) Signs Local Law 1999 as published in the *Government Gazette* 27 August 1999;

- (d) Clauses 5, 5.1 and 5.4 of the Amendment Local Law 2000 as published in the *Government Gazette* 10 July 2000; and
- (e) Part 2 – Parking and Part 7 – Bushfire Prevention and Control of the Amendment Local Law 2001 as published in the *Government Gazette* 15 January 2002.

Dated this dd of mm yyyy.

The Common Seal of the City of Joondalup )  
was affixed by authority of a resolution )  
of the Council in the presence of: )

.....  
TROY PICKARD  
MAYOR

.....  
GARRY HUNT  
CHIEF EXECUTIVE OFFICER

(Extract from Government Gazette (No 2) of 8 January 1999)

**LOCAL GOVERNMENT ACT 1995**

**The Municipality of the City of Joondalup**

**BUSHFIRE PREVENTION AND CONTROL LOCAL LAW 1998**

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 8th December, 1998.

**ARRANGEMENT**

PART 1 - PRELIMINARY .....Clauses 1 - 5  
PART 2 - FIRE CONTROL ORDERS .....Clauses 6 - 7

**PART 1 - PRELIMINARY**

**Title**

- 1 This Local Law may be referred to as the City of Joondalup Bushfire Prevention and Control Local Law 1998.

**Commencement**

- 2 This Local Law comes into operation 14 days after the date of its publication in the Government Gazette.

**Purpose and Intent**

- 3 (1) The purpose of this Local Law is to provide for the prevention, regulation, control and management of bushfires and the reduction of fire hazards within the City of Joondalup
- (2) The effect of this Local Law is to require all owners or occupiers of land within the district to establish and maintain firebreaks on land owned or occupied by them so as to assist in prevention of fires and provide clear access for fire fighting vehicles and equipment.

---

---

**Repeal**

- 4 The Fire Control Order By laws as amended, of the former City of Wanneroo and the Establishment, Maintenance and Equipment of Bush Fire Brigade By laws as amended, of the former City of Wanneroo shall be repealed on the day this local law comes into operation.

**Definitions**

- 5 In this Local Law unless the context otherwise requires:

“act” means the Local Government Act 1995, as amended;

“district” means the district of the local government;

“firebreak period” means the period of time between the 31st day of October in any year until the 31st day of May inclusive in the following year;

“firebreak” means the land from which all inflammable material (which includes vegetation) has been removed and on which no inflammable material (which includes vegetation) is permitted during the firebreak period;

“local government” means the City of Joondalup;

Amd  
GG No 7  
15.01.02

**PART 2 - FIRE CONTROL ORDERS****Firebreaks**

- 6 Subject to clause 7, all owners or occupiers of land within the district shall prior to the commencement of the firebreak period or within 14 days of becoming the owner or occupier should this occur within the firebreak period establish and thereafter maintain during the firebreak period firebreaks of the dimensions prescribed as follows:
- (a) 2 metres wide immediately inside all external boundaries of parcels of land 2,000 square metres or under;
  - (b) 3 metres wide immediately inside all external boundaries of parcels of land over 2,000 square metres unless the local government has otherwise directed to the owner or occupier in writing;
  - (c) a minimum of 10 metres wide immediately surrounding flammable liquids storage sites including fuel dumps and ramps;
  - (d) 3 metres wide immediately surrounding all buildings situated on the land.

**Application to Vary Firebreak Positions**

- 7 (1) If the owner or occupier considers it impractical for any reason to clear firebreaks or remove inflammable material from the land as required by these Local Laws, the owner or occupier may apply in writing to the local government not less than 14 days prior to the commencement of the firebreak period for permission to provide firebreaks in alternative positions on the land.
- (2) on receiving such an application the local government may refuse the same or may grant permission to provide firebreaks in alternative positions on the land and may set out in the notice granting such permission the time and the manner in which such alternative firebreaks are to be established and maintained and the owner or occupier shall thereupon comply with the requirements of the notice.

**Footnote:**

- (1) A local government may install firebreaks and recover costs in accordance with section 33 (4), (5), (5a) and (5b) of the Bushfires Act 1954.
- (2) Clause 63 of the Bushfires Act 1954 prevents action being taken against a local government or bushfire brigade personnel for carrying out any duties authorised under the Bushfires Act 1954.

# ATTACHMENT 3

(Extract from Government Gazette (No 37) of 8 March 1999)

## LOCAL GOVERNMENT ACT 1995

### The Municipality of the City of Joondalup

#### EXTRACTIVE INDUSTRIES LOCAL LAW 1998

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 9<sup>th</sup> day of February 1999

#### ARRANGEMENT

PART 1 - PRELIMINARY.....	Clauses 1 - 6
PART 2 - LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY .....	Clauses 7 - 9
PART 3 - DETERMINATION OF APPLICATION .....	Clauses 10 - 11
PART 4 - TRANSFER, CANCELLATION AND RENEWAL OF LICENCE .....	Clauses 12 - 14
PART 5 - SECURED SUM AND APPLICATION THEREOF .....	Clauses 15 - 16
PART 6 - PROHIBITIONS .....	Clause 17
PART 7 - MISCELLANEOUS PROVISIONS.....	Clauses 18 - 21
PART 8 - ENFORCEMENT AND PENALTIES .....	Clauses 22 - 29
SCHEDULE 1	

#### PART 1 - PRELIMINARY

##### Title

- 1 This local law may be referred to as the City of Joondalup Extractive Industries Local Law 1998.

##### Commencement

- 2 This local law comes into operation 14 days after the date of its publication in the Government Gazette.

##### Purpose and Intent

- 3 (1) The purpose of this local law is to:
  - (a) prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;



- (b) regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and
  - (c) provide for the restoration and reinstatement of any excavation site.
- (2) The effect of this local law is to require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.

## Repeal

- 4 The local laws of the former City of Wanneroo relating to extractive industries published in the Government Gazette on 23 April 1963, including subsequent amendments, are repealed on the day this local law comes into operation.

## Definitions

- 5 In this local law, unless the context otherwise requires:-

“Act” means the Local Government Act 1995;

“authorised person” means a person authorised by the local government under section 9.10 of the Act, to carry into effect the provisions of this local law;

“carry on an extractive industry” means quarrying and excavating for stone, gravel, sand and other material and without limiting the generality includes stripping vegetation and top soil, stockpiling, excavating and earthworks, loading of trucks and vehicle movements associated with an extractive industry, blasting rehabilitation and includes all of the time from commencement to the satisfactory completion of the works as required by a condition of a licence or as directed by the local government;

“CEO” means “Chief Executive Officer” of the local government;

“district” means the district of the local government;

“excavation” includes quarry;

“licence” means a licence issued under this local law;

“licensee” means the person or company named in the licence as the licensee;

“local government” means the City of Joondalup;

“person” means any person, company, employer and includes the owner, licensee and previous licensee;

“secured sum” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 15;

“site” means the land specified by the local government in a licence;

“Stop Work Order” means an order issued under clause 22.

### **Application of this Local Law**

6 The provisions of this local law:

- (a) subject to paragraphs (b), (c), (d) and (e);
  - (i) apply and have force and effect throughout the whole of the district; and
  - (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;
- (b) do not apply to the extraction of minerals under the Mining Act 1978;
- (c) do not apply to the carrying on of an extractive industry on Crown land;
- (d) do not affect the validity of any licence issued under the local law repealed by clause 4 if that licence is currently in force at the date of gazettal of this local law; and
- (e) do not apply where the works are approved by and carried out in accordance with:
  - (i) a condition of a subdivision approved by the Western Australian Planning Commission;
  - (ii) a development approval issued by the local government under a town planning scheme and the works are incidental to that approval;
  - (iii) building licence issued by the local government under the Local Government (Miscellaneous Provisions) Act 1960.

## **PART 2 - LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY**

### **Extractive Industries Prohibited Without Licence**

7 A person must not carry on an extractive industry:-

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

---

## Application for Licence

- 8 (1) A person seeking the issue of a licence in respect of any land must apply on the form provided or approved by the local government for the purpose and must forward the application duly completed and signed by both the applicant and the owner of the land to the CEO together with:-
- (a) 3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing:
    - (i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
    - (ii) the land on which the excavation site is to be located;
    - (iii) the external surface dimensions of the land;
    - (iv) the location and depth of the existing and proposed excavation of the land;
    - (v) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
    - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
    - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
    - (viii) the location of all existing dams, swamps, lakes, watercourses, drains or sumps on or adjacent to the land;
    - (ix) the location and description of existing and proposed fences, gates and warning signs around the land;
    - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
    - (xi) brief description of uses of adjoining and nearby land;
    - (xii) other details as the local government may require.

- 
- (b) 3 copies of a works and excavation program containing:-
- (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
  - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
  - (iii) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
  - (iv) details of the depth and extent of the existing and proposed excavation of the site;
  - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
  - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
  - (vii) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
  - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
  - (ix) a description of any proposed buildings, treatment plant, tanks and other improvements;
  - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
  - (xi) a description of the measures to be taken to minimise dust nuisance, erosion, watercourse siltation and dangers to the general public;
  - (xii) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the Environmental Protection (Noise) Regulations 1997;
  - (xiii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
  - (xiv) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and

- 
- (xv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;
- (c) 3 copies of a rehabilitation and decommissioning program indicating:-
    - (i) the objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
    - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
    - (iii) how each face is to be made safe and batters sloped;
    - (iv) the method by which topsoil is to be replaced and revegetated;
    - (v) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
    - (vi) how rehabilitated areas are to be maintained; and
    - (vii) the program for the removal of buildings, plant, waste and final site clean up.
  - (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfares or such other land in the vicinity;
  - (e) a certificate from a licensed surveyor certifying the correctness of:-
    - (i) the plan referred to in paragraph (a); and
    - (ii) the datum peg and related point referred to in paragraph (d);
  - (f) evidence that the requirements of clause 9 (a) and (b) have been carried out;
  - (g) copies of all land use planning approvals required under any planning legislation;
  - (h) the consent in writing to the application from the owner of the excavation site;
  - (i) an overall staging and management plan and report which by a matrix indicates the progressive stages of construction, excavation, rehabilitation, landscaping and the like together with obvious milestones of progress upon which the staging and management of the extractive industry can be measured and reviewed prior to renewal or at other nominated times;

- (j) evidence that a notice of clearing has been given to the Commissioner of Soil and Land Conservation if that is required under regulation 4 of the Soil and Land Conservation Regulations 1992.
- (2) All survey data supplied by an applicant for the purpose of sub clause (1) must comply with Australian Height Datum and Australian Map Grid standards.

### **Applicant to Advertise Proposal**

- 9 (1) A person or company seeking the issue of a licence shall within 60 days after having complied with clause 8, advertise and give notice of their intention, as follows:
- (a) forward by registered mail a notice and summary of the proposal in the form provided or approved by the local government for the purpose, to:
    - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence;
    - (ii) every relevant statutory authority including, but not limited to, the Water & Rivers Commission, the Department of Environmental Protection, the Department of Minerals & Energy and person having control or jurisdiction over any of the things referred to in clause 8(1)(a)(vii) or (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence;
    - (iii) the CEO; and
  - (b) publish a notice [notice to be in the form provided or approved by the local government for the purpose], in a newspaper circulating in the area in which the proposed excavation is located:-
  - (c) display, in a prominent position on the land one or more notices:
    - (i) in the form provided or approved by the local government for the purpose;
    - (ii) the content, size and construction of which have been approved by the CEO;
    - (iii) specifying particulars of the proposed excavation; and inviting objections or comments within 21 days from the placement of the notice.

- (2) All notices referred to in clause 9 (1) must advise that the proposal may be inspected at the office of the local government and that submissions on the proposal may be lodged with the local government for a period of 21 days from the date of the last notice.

### **PART 3 - DETERMINATION OF APPLICATION**

#### **Determination of Application**

- 10 (1) The local government may refuse an application for a licence:
- (a) that does not comply with the requirements of clause 8;
  - (b) for which the processes required by clause 9 have not been completed;
  - (c) after considering any submissions received within the specified period in accordance with clause 9(2);
  - (d) where planning approval for an extractive industry use of the land has not first been obtained under any relevant town planning scheme.
- (2) the local government may, in respect of an application for a licence:-
- (a) refuse the application; or
  - (b) approve the application;
    - (i) over the whole or part of the land in respect of which the application is made; and
    - (ii) on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for a licence, it must:
- (a) determine the licence period, not exceeding 21 years from the date of issue; and
  - (b) approve the issue of a licence in the form provided or approved by the local government for the purpose;
- (4) Where the local government approves the issue of a licence, the CEO upon receipt by the local government of:
- (a) payment of the annual licence fee, or the relevant proportion thereof of the annual licence fee;
  - (b) the payment of any outstanding licence or administration fees;
  - (c) payment of the secured sum if any, imposed under clause 15; and

- 
- (d) the documents, if any, executed to the satisfaction of the CEO, under clause 15, shall issue the licence to the applicant.
- (5) Without limiting sub clause (2), the local government may impose conditions, including the following matters:
- (a) the orientation of the excavation to reduce visibility from other land;
  - (b) the appropriate siting of access thoroughfares, buildings and plant;
  - (c) the stockpiling of material;
  - (d) the hours during which any excavation work may be carried out;
  - (e) the hours during which any processing plant associated with, or located on, the site may be operated;
  - (f) the hours during which trucks may enter or leave the site and equipment may operate;
  - (g) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
  - (h) the depths below which a person must not excavate;
  - (i) distances from adjoining land or thoroughfares within which a person must not excavate;
  - (j) the safety of persons employed at or visiting the excavation site;
  - (k) the control of dust and wind-blown material;
  - (l) requiring the excavation, plant and equipment and thoroughfares to be bunded, screened and landscaped prior to any excavation or construction works commencing or continuing;
  - (m) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
  - (n) the prevention of the spread of dieback or other disease;
  - (o) the drainage of the excavation site and the disposal of water;
  - (p) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;



- (q) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- (r) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation program;
- (s) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;
- (t) requiring the licensee to pay a secured sum in accordance with clause 15; and
- (u) any other matter for properly regulating the carrying on of an extractive industry.

## **Fees**

- 11 (1) A licensee must pay to the local government the licence fee.
- (2) Where an extractive industry is being carried on and the local government has not issued a licence, the owner shall pay to the local government the administration fee.
- (3) An application for the transfer of a licence shall incur a fee to be paid to the local government.
- (4) The fees to be paid shall be as determined by the local government in accordance with the fees and charges approved from time to time.

## **PART 4 - TRANSFER, CANCELLATION AND RENEWAL OF LICENCE**

### **Transfer of Licence**

- 12 (1) An application for the transfer of a licence must:-
  - (a) be made in writing;
  - (b) be signed by the licensee and the proposed transferee of the licence;
  - (c) be accompanied by the current licence;
  - (d) be accompanied by the consent in writing to the transfer from the owner of the excavation site;

- (e) be accompanied by a stamped copy of a deed of agreement between the owner, transferor and transferee detailing the terms and conditions relating to the transfer of responsibility for the state of the excavation, the level of compliance with any conditions, that may have been imposed on the licence the subject of the transfer, and any rehabilitation works which may be necessary to remedy the situation.
  - (f) include any information that the local government may reasonably require; and
  - (g) be forwarded to the CEO with the transfer fee together with any outstanding administration and licence fees.
- (2) Upon receipt of any application for the transfer of a licence, and the transfer fee, the local government may:-
- (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence; the local government shall transfer the licence by an endorsement on the licence in the form provided or approved by the local government for the purpose.
- (4) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.
- (5) The local government may refuse to transfer a licence until all outstanding fees and charges have been paid.

### **Cancellation of Licence**

- 13 (1) The local government may cancel a licence where the licensee has:-
- (a) been convicted of an offence against:-
    - (i) this local law; or
    - (ii) any other law relating to carrying on an extractive industry;
  - (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government; or
  - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law.

- (2) Where the local government cancels a licence under clause 13(1):-
  - (a) the local government shall advise the licensee in writing of the cancellation;
  - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice;
- (3) The licence shall lapse where the licensee has:
  - (a) failed to pay the annual licence fee under clause 11; or
  - (b) failed to have a current public liability insurance policy under clause 18(1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 18(2);
- (4) The local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

### **Renewal of Licence**

- 14 (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 42 days before the date of expiry of the licence and must submit with the application for renewal:-
- (a) the fee determined by the local government;
  - (b) a copy of the current licence;
  - (c) a plan showing the contours of the excavation carried out to the date of that application;
  - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 8(1) (b) and (c); and
  - (e) any other things referred to in clauses 8 and 10.
- (2) The local government may waive any of the requirements specified in clause 14(1) (d) or (e).
- (3) If:-
- (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
  - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.

then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 8 and 10.

- (4) Upon receipt of an application for the renewal of a licence, the local government may:-
- (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it sees fit; and
  - (c) may require the proposal to be advertised in the manner set out in clause 9.

## **PART 5 - SECURED SUM**

### **Security for Restoration and Reinstatement**

- 15 (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that:-
- (a) the licensee -
    - (i) as a condition of a licence; or
    - (ii) before the issue of a licence; or
    - (iii) before the renewal of a licence; or
  - (b) the owner when required by the local government;
- must give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government from time to time.
- (2) A bond required under sub clause (1) is to be paid into an account established by the local government for the purposes of this clause.

### **Use by the Local Government of Secured Sum**

- 16 (1) If a person fails to carry out or complete the restoration and reinstatement works required by the licence conditions or by a notice served by the local government; either:-
- (a) within the time specified in those conditions;

- (b) where no such time has been specified, a reasonable period of time from the completion of the excavation or portion of the excavation specified in the licence conditions; or
- (c) within 60 days of a notice given by the local government to the licensee or owner:-

then:-

- (d) the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone; and
  - (e) the licensee must pay to the local government on demand all administrative, legal, contractor and other costs, estimated or incurred by the local government, to rehabilitate the site or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 15 towards its costs under this clause.
  - (3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 15.
  - (4) A person, owner, occupier or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

## **PART 6 - PROHIBITIONS**

### **Prohibitions**

17 Subject to any licence conditions imposed by the local government with respect to carrying on an extractive industry, a person:

- (1) must not without the written approval of the local government, excavate within:-
  - (a) 20 metres of the boundary of any land on which the excavation site is located;
  - (b) 20 metres of any land affected by a registered grant of easement;
  - (c) 40 metres of any thoroughfare;

- 
- (d) 50 metres of any watercourse, wetland, swamp or other water reserve;  
or
  - (e) 3 metres of the estimated maximum water table level as determined from time to time by the Water & Rivers Commission or otherwise as adopted by the local government.
- (2) must:
- (a) not remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any thoroughfare reserve on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 10;
  - (b) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
  - (c) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign:
    - (i) is not more than 200 metres apart;
    - (ii) is not less than 1.8 metres high and not less than 1 metre wide;  
and
    - (iii) bears the words 'DANGER EXCAVATIONS - KEEP OUT';
  - (d) except where the local government approves otherwise, drain and keep drained to the local government's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
  - (e) not store, or permit to be stored, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Minerals and Energy;
  - (f) not fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government;
  - (g) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government;
  - (h) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site;

- 
- (i) otherwise comply with the conditions imposed by the local government in accordance with clause 10; and
  - (j) cease excavating and undertake the restoration and reinstatement of the site and comply with notices issued by the local government.
- (3) must not carry out or permit to be carried out any blasting in the course of excavating unless:-
- (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;
  - (b) subject to sub-clause (2), the blasting takes place only between the hours of 8.00 am and 5.00 pm, or as determined by the local government, on Mondays to Fridays inclusive;
  - (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the Mines Safety and Inspection Act 1994, the Environmental Protection Act 1986, and all relevant local laws of the local government; and
  - (d) in compliance with any other conditions imposed by the local government concerning:-
    - (i) the time and duration of blasting;
    - (ii) the purposes for which the blasting may be used;
    - (iii) the methods of detonation and blasting;
    - (iv) the types of explosives to be used; and
    - (v) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.
- (4) must not carry out or permit to be carried out any blasting on a Saturday, Sunday or public holiday except with the prior approval of the local government.

---

---

## PART 7 - MISCELLANEOUS PROVISIONS

### Public Liability

- 18 (1) A licensee must have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 or such other sum as is approved by the local government in respect of any one claim relating to any of the excavation operations;
- (2) The licensee shall provide to the local government a copy of the policy taken out under sub-clause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

### Mines Safety and Inspection Act and Environmental Protection Act

- 19 (1) In any case where the Mines Safety and Inspection Act 1994 or the Environmental Protection Act 1986 applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site must comply with all applicable provisions of that Act or those Acts; and
- (2) In this clause, the Mines Safety and Inspection Act 1994 and the Environmental Protection Act 1986 include all subsidiary legislation made under those Acts.

### Notice of Cessation of Operations

- 20 (1) Where a licensee intends to cease carrying on an extractive industry:-
- (a) temporarily for a period in excess of 12 months; or
- (b) permanently;
- the licensee must, as well as complying with clause 21 give the local government written notice of the cessation not later than 1 week after those operations have ceased.
- (2) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.
- (3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.



---

**Works to be Carried out prior to Cessation of Operation**

- 21 (1) Where the carrying on of an extractive industry on the site is proposed to permanently cease or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee of the owner must, as well as complying with the provisions of clause 20:-
- (a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently in writing require;
  - (b) ensure that any face permitted to remain upon the excavation site is left in a safe condition with all loose materials removed and where the excavation site is -
    - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and
    - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;
  - (c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning program approved by the local government;
  - (d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse, lake, wetland or drain that is not wholly situated within the land owned or occupied by the licensee;
  - (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
  - (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
  - (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site used for the extractive industry where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

- (2) Notwithstanding any other provision of this local law where a licensee is required to comply with this local law or a condition of a licence and that licence has been cancelled, not renewed, or expired the aforementioned obligations become the responsibility jointly and severally of the owner and the previous licensee notwithstanding that he is not or is no longer the licensee.

## **PART 8 - ENFORCEMENT AND PENALTIES**

### **Stop Work Orders**

- 22 (1) Where a person is carrying on an extractive industry in contravention of this local law, the local government may issue an order to stop all work specified in the notice as being done in contravention of this local law - in this Part referred to as "Stop Work Order".
- (2) Where a copy of a Stop Work Order:
- (a) is affixed in a prominent position on the place to which it relates; or
  - (b) is served on a person carrying on the extractive industry, or causing to be carried on, at that place any works or other activity,
- a person who carries on, or authorises, causes or permits to be carried on, in relation to that place the extractive industry commits an offence.

Penalty: \$5,000

Daily Penalty: \$500

### **Stop Work Orders Not To Affect Certain Works**

- 23 It shall be a defence in proceedings for a contravention of a provision of a Stop Work Order to show that any works, being works appropriate to the purpose:
- (a) were urgently necessary:
    - (i) to avoid an imminent danger to life or health; or
    - (ii) for the immediate preservation of a building or the prevention of immediately impending damage to neighbouring property,

whether or not those works were the subject of a specific prohibition contained in a Stop Work Order, where notice in writing of the proposed carrying out of the works was given, as soon as practicable after the necessity for the works arose, to the local government and no written objection was served by the local government on the person so giving notice prior to the carrying out of the work; or

- (b) were required by an Act or law, and were of such a degree of urgency that prior reference to the local government and the application for and issue of a licence under this local law would not have been practicable.

### **Offences**

- 24 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence under clauses 7, 11 and 17 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500.00 for each day or part of a day during which the offence has continued.

### **Offences By Bodies Corporate, Defences Etc**

- 25 (1) Where a contravention of this local law which has been committed by a body corporate is proved:
- (a) to have been committed with the consent or connivance of; or
- (b) to be attributable to any failure to take all reasonable precautions to secure that this local law should not be contravened by the body corporate on the part of,
- any director, manager, executive officer, secretary or other person concerned in the management of the body corporate, or any person purporting to act in that capacity, that person as well as the body corporate is guilty of the contravention.
- (2) Where the affairs of a body corporate are managed by its members, subclause (1) applies in relation to the acts and defaults of a member in connection with the functions of management of that member as if the member were a director of the body corporate.
- (3) Where proceedings are taken against a person under this local law it is no defence for that person to prove:
- (a) that the person was the agent or employee of any other person; or
- (b) that the person was acting in pursuance of an order or direction given by any other person,

unless the court is satisfied that the person had acted without the knowledge, and could not reasonably be expected to have known, that this local law would be contravened.

- 
- (4) Where the employee or agent of a person is found liable in respect of a contravention of this local law, each person who, at the time of the commission of the contravention, was the employer of that employee or the principal of that agent is also liable in respect of the contravention, unless that employer or principal proves that he or she could not by the exercise of reasonable diligence have prevented the commission of the contravention by the employee or agent.
- (5) Subject to this clause, it shall be a defence for any person who would otherwise be liable under this local law to prove that:
- (a) the contravention occurred without the consent or connivance of that person;
  - (b) the person had taken all reasonable precautions to secure that this local law should not be contravened; and
  - (c) that the person could not by the exercise of reasonable diligence have prevented the contravention.
- (6) Where, in proceedings under this local law, it is necessary to establish the state of mind of a body corporate, it is sufficient to show that a director, employee or agent of the body corporate, being a director, employee or agent by whom the conduct was engaged in within the scope of the person's actual or apparent authority, had that state of mind.
- (7) Any conduct engaged in on behalf of a body corporate:
- (a) by a director, employee or agent of the body corporate within the scope of the person's actual or apparent authority; or
  - (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the body corporate, if the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent,
- shall be deemed, for the purposes of this local law, to have been engaged in also by the body corporate.
- (8) Where, in proceedings under this local law, it is necessary to establish the state of mind of a person other than a body corporate, it is sufficient to show that an employee or agent by whom the conduct was engaged in within the scope of the employee's or agent's actual or apparent authority, had that state of mind.
- (9) Conduct engaged in on behalf of a person other than a body corporate:
- (a) by an employee or agent of the person, within the scope of the actual or apparent authority of the employee or agent; or

- (b) by any other person, at the direction or with the consent or agreement (whether express or implied) of any employee or agent of the first-mentioned person, if the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the employee or agent,

shall be deemed, for the purposes of this local law, to have been engaged in also by the first-mentioned person.

- (10) A reference in this clause to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for that intention, opinion, belief or purpose.
- (11) If a defence to proceedings under this local law involves an allegation that a contravention was due to reliance on information supplied by another person or to the act or default of another person, the defendant is not, without leave of the court, entitled to rely on that defence unless the defendant has, not later than 7 days before the day on which the hearing of the proceeding commences, served on the person by whom the proceeding was instituted a notice in writing giving such information that would identify or assist in the identification of the other person as was then in the defendant's possession.

### **Infringement and Infringement Withdrawal Notices**

26 For the purposes of this local law:

- (a) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 of the First Schedule of the Local Government (Functions and General) Regulations 1996;
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 of the First Schedule of the Local Government (Functions and General) Regulations 1996.

### **Offence Description and Modified Penalty**

27 The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

### **Prosecution for Offences**

28 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

### **Records to be Kept**

29 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

**Footnote:****1 Appeal**

When the local government makes a decision as to whether it will:

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision.

**2 Appointment of Authorised Persons, and Certificate of Appointment for Authorised Persons**

Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with Section 9.10 of the Local Government Act 1995.

## First Schedule

CITY OF JOONDALUP  
EXTRACTIVE INDUSTRIES LOCAL LAW 1998**Offences and Modified Penalties**

<b>Item No</b>	<b>Clause No</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	7(a)	Excavate without a licence	500
2	7(b)	Carry on an extractive industry not in accordance with conditions	500
3	11(2)	Failure to pay the administration fee	400
4	17(1)(a)	Excavate without approval, within 20 metres of adjacent property boundary	400
5	17(1)(b)	Excavate without approval, within 20 metres of any land affected by a registered grant of easement	400
6	17(1)(c)	Excavate without approval, within 40 metres of any thoroughfare	400
7	17(1)(d)	Excavate without approval within 50 metres of any watercourse, wetland, swamp or other water reserve	400
8	17(1)(e)	Excavate without approval, within 3 metres of the estimated maximum water table level	400
9	17(2)(a)	Removal of trees or shrubs within 40 metres of the boundary of any thoroughfare reserve	400
10	17(2)(b)	Failure to securely fence and/or keep gateways locked	400
11	17(2)(c)	Failure erect and maintain warning signs	400
12	17(2)(d)	Failure to drain and keep drained any excavation to which the licence applies	400
13	17(2)(e)	Store or permit to store explosives or explosive devices without approval	400
14	17(2)(f)	Not fill or excavate, contrary to the terms and conditions of the licence	400
15	17(2)(g)	Failure to restore and reinstate the excavation site in accordance with conditions of the licence	400
16	17(2)(h)	Failure to take all reasonable steps to prevent the emission of dust, noise, vibration, and other forms of nuisance from the excavation site	400
17	17(2)(i)	failure to comply with conditions of licence imposed by the local government	400
18	17(2)(j)	Failure to cease excavating and undertake restoration and reinstatement as required by notice issued by the local government	500
19	17(3)(a)	Carry out or permit to be carried out blasting without approval	400
20	17(3)(b)	Carry out or permit to be carried out blasting outside hours approved by the local government	400
21	17(3)(d)	Failure to comply with conditions imposed by the local government relating to blasting	400
22	17(4)	Carry out or permit to be carried out any blasting on Saturday, Sunday or Public Holiday, without approval	400
		Other offences not specified	200

**ATTACHMENT NO 2**

Local Government Act 1995

CITY OF JOONDALUP

Form 1

**APPLICATION  
FOR AN EXTRACTIVE INDUSTRY LICENCE**

1. Name .....(Applicant)
2. Address .....
3. Telephone ..... Fax .....
4. Address and locality of proposed excavation site .....
5. Lot No ..... 6. Location No .....
7. Plan or Diagram No .....
8. Certificate of Title Volume ..... Folio .....
9. Owner of the land .....
10. Address of owner of the land .....
11. Material to be excavated .....
12. If the application covers land that is the subject of an existing licence:  
Date of Issue of that licence .....
- Date of expiration of that licence .....
- Conditions applicable to that licence .....



13. Term of licence sought .....
14. Submitted with this application are:
- (a) 3 copies of excavation site plans and supporting information in accordance with Clause 8(1)(a);
  - (b) 3 copies of works and excavation program in accordance with Clause 8(1)(b);
  - (c) 3 copies of rehabilitation and decommissioning program in accordance with Clause 8(1)(c);
  - (d) datum peg evidence
  - (e) licensed surveyor's certificate certifying the correctness of 8(1) (a) and (d) above
  - (f) evidence of compliance with Clause 9 (1) and (2)
  - (g) copies of all land use planning approvals
  - (h) written consent of the owner of the excavation site
  - (i) any other information that the local government has required
  - (j) licence application fee of \$.....

The applicant applies for a licence in respect of the proposed excavation site in accordance with and subject to the City of Joondalup Local Law relating to Extractive Industries.

Dated this ..... day of ..... 19 ...

.....  
Signature of Applicant

.....  
Signature of Owner of the land

.....  
Signature of existing licensee  
(if applicable)

Local Government Act 1995

CITY OF JOONDALUP

Form 2

(Mail, Newspaper and Site Notice)

**NOTICE OF APPLICATION  
FOR AN EXTRACTIVE INDUSTRY LICENCE**

Take notice that [1] .....

intends to apply to the City of Joondalup for an extractive industry licence to excavate

[2] .....

on land situated at [3] .....

being [4] .....

Any person who wishes to object or otherwise comment upon this proposal, should do so in writing to the Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup not later than [5] .....

- [1] Insert the name of the applicant
- [2] Insert the material(s) proposed to be excavated
- [3] Insert the postal address of the land subject of the application
- [4] Insert the title description of the land subject of the application
- [5] Insert the date which should not be less than 21 days from the date when the advertisement is to first appear in the newspaper

Local Government Act 1995

CITY OF JOONDALUP

Form 3

**EXTRACTIVE INDUSTRY LICENCE**

Licensee .....

Address.....

Land Description .....

Material to be Excavated .....

Term of Licence .....

Date of Expiry .....

This licence is issued in accordance with the City of Joondalup Local Law relating to Extractive Industries subject to the following conditions:

.....  
.....  
.....  
.....

Dated this ..... day of ..... 19 .....

.....  
Chief Executive Officer

Local Government Act 1995

CITY OF JOONDALUP

Form 4

**TRANSFER ENDORSEMENT  
EXTRACTIVE INDUSTRY LICENCE**

This licence is transferred to .....  
of .....  
.....  
from the date of the endorsement until .....  
subject to each of the above conditions and the following additional conditions -

Dated this ..... day of ..... 19 .....

.....  
Chief Executive Officer  
City of Joondalup

.....  
Dated this ..... day of ..... 19.....

The Common Seal of the )  
City of Joondalup was )  
affixed by authority of a )  
resolution of the Council )  
in the presence of: )

\_\_\_\_\_  
\* Chairman

\_\_\_\_\_  
Chief Executive Officer

\* Chairman or Mayor

**ATTACHMENT NO 3****CITY OF JOONDALUP****EXTRACTIVE INDUSTRIES LOCAL LAW****SCHEDULE OF FEES AND CHARGES**

	<b><u>Previous Charge</u></b>	<b><u>Proposed Charge</u></b>
Development Application (includes first year licence fee)	\$2,400	\$2,400
Development Application Only	N/A	\$2,000
Licence Application Only	N/A	\$2,000
Annual Licence Fee	\$300	\$500
Administration Fee	N/A	\$700 *
Licence Transfer Fee	N/A	\$100 (+ legal costs)

**\* Note:**

- 1 The administration fee will apply where an Extractive Industry is found to be operating without a licence.
- 2 A separate fee has been set for processing development applications and licence applications as the work and cost involved in processing such applications separately is virtually the same.

**LOCAL GOVERNMENT ACT 1995**

**The Municipality of the City of Joondalup**

**SIGNS LOCAL LAW 1999**

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13<sup>th</sup> July, 1999.

**ARRANGEMENT**

PART 1 - PRELIMINARY .....	Clauses 1 - 6
PART 2 - LICENCES AND EXEMPTIONS.....	Clauses 7 - 15
PART 3 - RESTRICTIONS.....	Clauses 16 - 22
PART 4 - SPECIAL EVENT PERMITS (deleted).....	Clauses 23 - 33
PART 5 - REMEDY FOR BREACH.....	Clauses 34 - 36
PART 6 - MISCELLANEOUS .....	Clauses 37 - 39
PART 7 - PENALTIES .....	Clauses 40 - 44
SCHEDULE 1	

Amd  
GG No. 12  
14.01.15

**PART 1 - PRELIMINARY**

**Title**

- 1 This local law may be referred to as the City of Joondalup Signs Local Law 1999.

**Commencement**

- 2 This local law comes into operation 14 days after the date of its publication in the Government Gazette.

**Purpose**

- 3 (1) The purpose of this local law is to provide for the regulation, control and management of signs within the district, in support of the town planning scheme sign provisions.
- (2) The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district, must comply and the means of enforcing those requirements.

## Repeal

- 4 The following by law of the former City of Wanneroo:

By Law S3: Signs, Hoardings and Billposting, published in the Government Gazette - 24 August 1984, and amendments;

is repealed on the day this local law comes into operation.

## Application of Local Law

- 5 This local law applies throughout the district.

## Definitions

- 6 In this local law unless the context requires otherwise:

“Act” means the Local Government Act 1995;

“advertisement” means the publication, display, or presentation of any sign or advertising device and the terms “advertise” and “advertising sign” have corresponding meanings.

“advertising device” means an object on which words, numbers or figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, undertaking, product, or thing and includes a vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising a business, function, operation, event, undertaking, product or thing;

“animation” means the incorporation of movement on, in or associated with a sign or advertising device including but not limited to illumination, rotation, flapping, and any mechanical or electrical device;

“application” means the completed form lodged for the purpose of obtaining a sign licence or permit in accordance with this local law;

“appointed place” means a place appointed by the local government or the CEO, of the local government to which signs and hoardings, erected and maintained in breach of this local law, may be:

- (a) placed by the local government; and
- (b) recovered by the sign owner;

“authorised person” means a person authorised by the local government under section 9.10 of the Act;

“bill posting” means the attaching, sticking or posting of a bill, poster or placard, or painting, stencilling or affixing an advertisement on a building, structure, fence, wall, hoarding, sign post, pole, blind, or awning, whether erected on private property or a public place so as to be visible to a person in a street, public place, private property or other land; and to post a bill has a corresponding meaning;

“community association” means an institution, association, club, society or body, whether incorporated or not, the objects of which are of charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions;

“community information sign” means a temporary sign relating to or giving directions to a charitable, cultural, educational, recreational, or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain;

“direction sign” means a sign erected in a street or public place by or with the approval of the local government, to indicate the direction to another place but does not include a sign erected or affixed by the local government or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Road Traffic Act 1974;

“district” means the district of the local government;

“election sign” means a sign which encourages persons to vote for a candidate, political party, referenda or matter relating to any federal, state or local government election, but excludes bumper stickers;

Amd  
GG No 136  
10.07.00

“fly posting” means advertising by means of posters placed on fences, walls, trees, rocks, vehicles or other like places and to “fly post” has a corresponding meaning;

“illuminated sign” means a sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided for that purpose, or being a projected image;

“hoarding” means a detached or detachable structure including a wall panel or illuminated panel, other than a pylon sign, that is erected for the sole purpose of displaying one or more signs or advertising devices but excludes hoardings referred to in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960;

“licence” means a licence issued under this local law;

“licensee” means the holder of a licence;

“local government” means the City of Joondalup;



“owner” means the owner of the land or building on which the sign is to be or is erected and includes the owner of the business conducted on the land or building, to which the sign relates, or other person, who in the opinion of the local government is responsible for the sign;

“permit holder” means the person issued with a permit;

“planning approval” means an approval given under a relevant town planning scheme;

“portable sign” means a sign not permanently fixed to the ground, a building, wall, fence or structure and includes but is not limited to a sandwich board sign consisting of 2 sign boards attached to each other at the top by hinges or other means;

“private property” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

“property disposal sign” means a sign indicating that the premises whereon it is affixed or erected, are for sale, for letting or to be auctioned;

“public property” means any real property, land, lot, or reserve which is open and available for use by the public for public purposes, whether through payment of a fee or not and includes any building or structure thereon;

“pylon sign” means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills can be added;

“roof sign” means a sign erected on or attached to a roof of a building;

“rural producer’s sign” means a sign erected on land lawfully used for rural purposes which advertises goods or products produced, grown or lawfully manufactured on the land within the boundaries of which the sign is located;

“sign” means any message, direction or representation whatsoever displayed on a building, structure, board, or clock, other than a clock built into a wall which does not project beyond the face of the wall, or flags and bunting whether they contain a written message or not and includes any display produced by way of video or electronic means and every other type or style of sign defined or referred to in this local law;

“special event permit” means a permit issued by the local government, detailing the terms and conditions under which community information signs or special event signs may be temporarily erected;

“special event sign” means any sign temporarily erected, in accordance with a sign permit or licence, to advertise and promote an event to be held within the district which is available for attendance by the general public and is conducted for the purpose of commercial gain;

“thoroughfare” means any street, way or place that is designed and used for the passage of vehicles and includes the shoulders and embayments at the side or centre of the carriageway used for the parking of vehicles;

“town planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district;

“vehicle” includes every conveyance, and every object capable of being propelled or drawn, on wheels or tracks, by any means, not being a train, vessel or aircraft while being used as such.

## **PART 2 - LICENCES AND EXEMPTIONS**

### **Licence Requirements**

- 7 Subject to clause 15, a person shall not erect, maintain or display, or permit to be erected maintained or displayed, any sign or hoarding in, on or above any land or building:
- (a) without a licence; or
  - (b) otherwise than in accordance with the conditions of the licence issued in respect of the sign or hoarding.

### **Planning Approval**

- 8 The requirement for a licence under this local law, in respect of a sign or a hoarding, is additional to the requirement if any, for a planning approval for that sign or hoarding.

### **Application for Licence**

- 9 A person seeking the issue of a sign licence shall make application on the form provided and must forward the application to the local government together with:
- (a) 3 copies of plans drawn to scale of not less than 1:50 showing the size, position, design, and inscription to appear thereon, the method of construction and fixing of the sign for which the licence is sought;
  - (b) the application fee and licence fee;
  - (c) where required by the local government, a certificate from a structural engineer or other person approved by the local government, certifying that the building or structure upon which it is proposed to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design;

- (d) where the application is for a licence for an illuminated sign and if required by the local government, a written consent to the erection of the sign by or on behalf of the person or body having for the time being the management of traffic control lights within the district;
- (e) such other information as may be required by the local government to assist in determining the application.

### **Determination of Application**

- 10
- (1) The local government may refuse an application for a licence that does not comply with the requirements of clause 9, and in any event shall refuse an application for a licence where the required planning approval has not first been obtained, or is inconsistent with the planning approval.
  - (2) The local government may, in respect of an application for a licence:
    - (a) refuse the application; or
    - (b) approve the application on such terms and conditions, if any, as it sees fit.

### **Licence Issue**

- 11
- (1) A licence shall be issued to the person whose name appears on the application for same and is the owner or acting on behalf of the owner.
  - (2) On approval of an application for a licence, a licence shall be issued in the form used by the local government for that purpose.

### **Term and Validity of Licence**

- 12
- Subject to clause 14 and except where otherwise stated in this local law, a licence remains valid until:
- (a) the sign or hoarding is removed;
  - (b) in the case of a hoarding, for a maximum period of 12 months unless otherwise approved by the local government;
  - (c) change is made in the message of the sign or its illumination which is so significant as to amount to a different sign than that in respect of which the licence was issued;
  - (d) an alteration is made to the structure or area of the sign for which the licence was issued;
  - (e) the sign no longer relates to the business conducted in the building to which it is attached; or
  - (f) the public liability insurance policy required in accordance with clause 38 lapses, is cancelled or is no longer in operation;

in any of these events an application shall first be made and a new licence issued before the sign or hoarding can be re-erected, changed or altered as the case may be, or a new sign or hoarding erected.

### **Inspection of Licence**

- 13 (1) An owner or licensee shall produce the licence when requested to do so by an authorised person.
- (2) A licensee shall display on the face (bottom left hand corner when viewed) of every licenced sign or hoarding, in clearly legible figures:
- (a) the number of the licence applicable to the sign or hoarding;
  - (b) the date on which the sign licence expires, if the licence is for a hoarding.

### **Cancellation of Licence**

- 14 The local government may, without derogation of any penalty to which a person may be liable, cancel a licence if:
- (a) anything purporting to be done in accordance with a licence, is not done in conformity with the conditions of the licence;
  - (b) the sign or hoarding or the message displayed thereon is so altered that, in the opinion of the local government, it is objectionable or in its altered form would have been refused a licence; or
  - (c) where the licensee or owner is convicted of an offence against this local law.

### **Licence Exemptions**

- 15 (1) The following signs are exempt from the requirements of clause 7:
- (a) a sign erected or maintained in accordance with an Act;
  - (b) a property disposal sign not exceeding 1.2m<sup>2</sup> erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
  - (c) a plate not exceeding 0.2m<sup>2</sup> in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
  - (d) a direction sign;

- (e) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed  $0.2\text{m}^2$ ;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed  $1.2\text{m}^2$  in area and a height of 600mm;
- (h) a sign within a building unless:
  - (i) it is clearly visible from a public place outside the building;
  - (ii) it is exempted under any other paragraph of this sub clause;  
or
  - (iii) it is considered objectionable by the local government;
- (i) a sign not larger than  $0.6\text{m} \times 0.9\text{m}$  on an advertising pillar or panel approved by or with the consent of the local government for the purpose of displaying public notices for information;
- (j) a building name sign on any building, where it is of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- (k) newspaper or magazine posters, provided they are displayed against the outside wall of the business premises from which the newspapers or magazines are sold;
- (l) a rural producer's sign which is the only sign on the lot on which it is erected;
- (m) a sign erected by the local government, or with the approval of the local government, on land under the care, control and management of the local government;
- (n) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the local government and the company responsible for those signs;
- (o) a maximum of 4 garage sale signs, each not greater than  $0.25\text{m}^2$ , advertising the sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession and only being displayed on the day of the sale and on no more than 2 occasions for the same lot in each 6 month period;

- (p) a sign or signs erected in accordance with a permit issued under this local law;
- (q) a sign painted on a kerb, adjacent to a property depicting the house number and in accordance with specifications approved by the local government.
- (r) a sign erected by the local government for the purpose of:
- (i) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 28 days prior to the election; or
  - (ii) indicating the name and location of a polling place for an election.
- (s) an election sign which is:
- (i) erected on private property with the approval of the owner of that property, where such approval has been obtained prior to the erection of the election sign;
  - (ii) not in excess of 0.75m<sup>2</sup> in area per property, except a corner property which may display one sign facing each thoroughfare of the corner;
  - (iii) erected not more than 28 days prior to the date of the election to which it relates;
  - (iv) erected in accordance with the restriction provisions of clause 16;
  - (v) removed within 7 days of the date of the election.
- (t) a sign either temporarily or permanently affixed or painted on a vehicle to identify a company, business, service or product supplied or sold by that company.
- (u) election signs or posters erected at the place of an election rally, election meeting or polling place, provided they are:
- (i) erected on the day of the election rally, election meeting or polling day and are removed on the same day or at the conclusion of the rally or meeting;
  - (ii) each, no greater than 0.55 m<sup>2</sup> in area:
  - (iii) erected at the entrance to a polling place in locations approved by the Presiding Officer, or in the road reserve adjacent a polling place;

Amd  
GG No 136  
10.07.00

Amd  
GG No 136  
10.07.00

- (iv) not erected within a thoroughfare;
  - (v) erected in accordance with the restrictive provisions of clause 16 excepting sub clauses (f) and (k), and (i) where the total sign area is no greater than 1.75 m<sup>2</sup>.
- (2) A person shall not erect or maintain a sign which would otherwise be an exempt sign under sub clause (1), if it contains:
- (a) any illumination or radio;
  - (b) animation or movement in its design or structure; or
  - (c) retro-reflective or fluorescent materials in its design or structure.

Amd  
GG No 136  
10.07.00

### **PART 3 - RESTRICTIONS**

#### **Restrictions**

- 16 A person shall not erect, maintain or display a sign or hoarding, or suffer or permit a sign or hoarding to be erected, maintained or displayed or to remain on any land or building:
- (a) so as to obstruct the view from a street or public place of traffic in a street or public place;
  - (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the Road Traffic Act 1974 or the Regulations made under that Act;
  - (c) so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
  - (d) except with the approval of the local government on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building;
  - (e) where the stability of the building is, in the opinion of an authorised person, likely to be affected by the sign;
  - (f) as a movable or portable sign in a street or public place, not affixed to a building;
  - (g) on any light or power pole;
  - (h) on any tree, shrub or plant;

- (i) which is temporarily or permanently fixed to any vehicle that remains parked on private or public property or in a public place, primarily so as to advertise a message to the public, unless with the prior approval of the local government;
- (j) which contains glass other than an electric light globe or tube or toughened glass; or
- (k) which contains or has attached to it any paper, cardboard, cloth or other readily combustible material, except posters securely fixed to a signboard or hoarding, flags, banners or canvas awnings;
- (l) subject to sub clauses 15(r) and (u), on any street, thoroughfare or other public place, if the sign is an election sign.

Amd  
GG No 136  
10.07.00

Amd  
GG No 136  
10.07.00

### **Fixing of Signs**

17 The owner or licensee of a sign must:

- (a) cause it to be securely fixed to the structure by which it is supported, to the satisfaction of an authorised person; and
- (b) maintain the sign in a safe condition.

### **Headroom**

18 The owner or licensee of a sign erected over walkways, accessways or other public land, shall cause it to be fixed to provide a clear headway under the sign of not less than 2.75m, unless otherwise permitted by an authorised person.

### **Signs to be Kept Clean**

19 The owner or licensee of a sign shall keep it clean and free from unsightly matter and shall maintain it in good order and condition.

### **Existing Signs and Hoardings**

20 Subject to clauses 12 and 14, a licence issued under any previous local law operating in the district, is deemed to have been issued in accordance with this local law.

### **Bill Posting**

21 Subject to clause 15, a person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, hoarding, sign post, blind or awning so as to be visible to a person in a street, public place, reserve or other land, except for a hoarding approved for the purpose by the local government.



**Fly Posting**

- 22 A person shall not fly post at any place or location within the district.

**PART 4 - SPECIAL EVENT PERMITS**

Part 4 deleted

Amd  
GG No. 12  
14.01.15

**PART 5 - REMEDY FOR BREACH****Removal of Signs from Public Property**

- 34 (1) The local government may remove to an appointed place any sign, advertisement, or other advertising device, placed or erected on any thoroughfare, footpath or other public place under the care control and management of the local government, unless placed or erected in accordance with the provisions of this local law.
- (2) Where a sign, hoarding, advertisement, or other advertising device is removed to an appointed place in accordance with sub clause (1) and where it is possible to identify the name of the owner of the sign or advertising device, a notice shall be served on the owner advising:
- (a) the location of the appointed place to where the sign has been removed;
  - (b) that the sign may be collected during such hours and on payment of such fees and charges as may be specified in the notice.

**Illegal Signs on Private Property**

- 35 Where a breach of any provision of this local law has occurred in relation to a sign or hoarding on private property, the local government may give notice in writing to the owner of that property:
- (a) advising details of the breach of the local law;
  - (b) requiring the owner to remedy the breach within the time specified in the notice.

**Limit on Liability**

- 36 A person, owner, or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government:

- (a) to carry out all or part of the works and do all things necessary that the owner, or licensee was required to do to comply with this local law; or
- (b) in respect of a sign removed and dealt with under the provisions of these clauses or against any person who purchases a sign sold by the local government.

## **PART 6 - MISCELLANEOUS**

### **Bonds, Licence and Permit Fees and Charges**

- 37 All bonds, licence and permit fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the Act.

### **Public Liability Insurance and Indemnity**

- 38 (1) Where, as a condition of a sign licence or permit, the owner, licensee or permit holder is required to provide a public liability insurance policy, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the licence and keep that insurance policy current for the duration of the licence, the owner or licensee shall:
- (a) enter into an agreement with the local government to provide the required public liability insurance protection;
  - (b) take out a public liability insurance policy in the name of the owner or licensee and the local government, for a minimum value of \$5m or such other amount as considered appropriate to the risk involved;
  - (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;
  - (d) include a clause in the public liability insurance policy which requires the owner or licensee and the insurance company, to advise the local government if the policy lapses, is cancelled or is no longer in operation;
  - (e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.
- (2) An owner or licensee who refuses or cannot provide a current certificate of insurance within 2 working days as requested in accordance with sub clause (1) commits an offence.

### **Date of Birth to be Given on Demand**

- 39 Clause deleted

---

---

## PART 7 - PENALTIES

### Offences

- 40 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

### Infringement and Infringement Withdrawal Notices

- 41 For the purposes of this local law:
- (a) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996.

### Offence Description and Modified Penalty

- 42 The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

### Prosecution for Offences

- 43 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

### Records to be Kept

- 44 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

**Footnotes:****Right of appeal**

- 1 When the local government makes a decision as to whether it will -
  - (a) grant a person a licence under this local law; or
  - (b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

**Litter enforcement**

- 2 The enforcement of matters relating to bill posting and fly posting will be in accordance with the provisions of the Litter Act 1979.

**Appointment of Authorised Persons, and Certificate of Appointment for Authorised Persons**

- 3 Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with section 9.10 of the Local Government Act 1995.

**Impounding of Goods and Recovery of Expenses**

- 4 A local government may:
  - (a) impound goods in certain circumstances – see Regulation 29 of the Local Government (Functions and General) Regulations 1996; and
  - (b) withhold impounded or confiscated goods until costs are paid; dispose of impounded, confiscated or uncollected goods and recover impounding fees, in accordance with Sections 3.46, 3.47 and 3.48 of the Local Government Act 1995.

**FIRST SCHEDULE****CITY OF JOONDALUP - SIGNS LOCAL LAW 1999**

<b>Item No</b>	<b>Clause No</b>	<b>Offences and Modified Penalties Nature of Offence</b>	<b>Modified Penalty \$</b>	
<b>Part 2 – Licences and Exemptions</b>				
1	7(a)	Erect or maintain or permit to be erected or maintained, a sign or hoarding without a licence.	100	
2	7(b)	Erect, maintain or display or permit to be erected, maintained or displayed a sign or hoarding otherwise than in accordance with licence conditions.	100	
3	13(1)	Fail to produce a sign licence for inspection when required.	100	
4	13(2)(a)	Fail to display the sign or hoarding licence number in clear legible figures as required.	100	
5	13(2)(b)	Fail to display the sign or hoarding licence expiry date in clear legible figures as required.	100	
6	15(2)(a)	Erect a sign otherwise exempt under clause 15(1) containing illumination or radio.	100	
7	15(2)(b)	Erect a sign otherwise exempt under clause 15(1) with animation or movement in its design or structure.	100	
8	15(2)(c)	Erect a sign otherwise exempt under clause 15(1) with retro-reflective or fluorescent materials in design or construction.	100	Amd GG No 136 10.07.00
<b>Part 3 – Restrictions</b>				
	16	Erect or maintain, suffer or permit a sign or hoarding:		
9	16(a)	To obstruct the view of traffic in a street or public place.	100	
10	16(b)	To be confused or mistaken for official traffic lights or signs.	100	
11	16(c)	To obstruct access to or from a door, fire escape or window not designed for display of goods.	100	
12	16(d)	On an ornamental tower, spire, dome or other super structure over the main roof of a building.	100	
13	16(e)	On a building which the stability is likely to be affected by the sign.	100	
14	16(f)	As a moveable or portable sign in a street or public place not affixed to a building.	100	
15	16(g)	On any light or power pole.	100	
16	16(h)	On any tree, shrub or plant	100	
17	16(i)	Temporarily or permanently fixed to any vehicle on private or public property primarily to advertise/display message without approval	100	Amd GG No 136 10.07.00

**Restrictions (continued)**

18	16(j)	Contains glass, other than an electric light globe or tube, in a sign.	100	
19	16(k)	Form part of or attach, paper, cardboard, cloth or other readily combustible material to any sign.	100	
20	16(l)	Subject to sub clauses (r) and (u), on any street, thoroughfare or public place, if an election sign.	100	Amd GG No 136 10.07.00
21	17(a)	Fail to securely fix a sign to a supporting structure	100	
22	17(b)	Fail to maintain a sign in a safe condition.	100	
23	18	Fail to fix a sign over walkways, accessways or public land to provide clear headway of not less than 2.75m.	100	
24	19	Fail to keep a sign clean and maintained in good order.	100	
25	21	Post a bill, fix advertisement visible from street, public place, reserve except a hoarding approved for purpose	100	
26	22	Fly post at any place or location in district	100	

**Part 4 – Special Event Permits**

Items 27 - 42 deleted

Amd  
GG No. 12  
14.01.15**Miscellaneous**

44		Other offences not specified.	100	Amd GG No 136 10.07.00
----	--	-------------------------------	-----	------------------------------

**LOCAL GOVERNMENT ACT 1995****The Municipality of the City of Joondalup****AMENDMENT LOCAL LAW 2000**

Under the powers of the Local Government Act 1995, the Health Act 1911 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13<sup>th</sup> June, 2000.

**ARRANGEMENT**

PART 1 - PRELIMINARY.....	Clauses 1 - 3	
PART 2 - PARKING.....	Clauses 4 - 4.6	
PART 3 - PRIVATE PROPERTY .....	Clauses 5 - 5.7	Amd
PART 4 - SIGNS (deleted).....	Clauses 6 - 6.7	GG No. 12
PART 5 - ANIMALS.....	Clauses 7 - 7.7	14.01.15
PART 6 - TRADING IN PUBLIC PLACES.....	Clauses 8 - 8.13	
PART 7 - HEALTH.....	Clauses 9 - 9.3	

**PART 1 - PRELIMINARY****Title**

- 1 This local law may be referred to as the City of Joondalup Amendment Local Law 2000.

**Commencement**

- 2 This local law comes into operation 14 days after the date of its publication in the Government Gazette.

**Purpose**

- 3 The purpose of this local law is to amend various clauses in the City of Joondalup Parking, Private Property, Signs, Animals, Trading in Public Places and Health Local Laws to remove difficulties identified in their application and better clarify the requirements of the local laws.

**PART 2 - PARKING****Amendment**

- 4 The City of Joondalup Parking Local Law 1998 published in the Government Gazette on Monday, 9 November 1998, is hereby amended in the following manner:

## **Definitions**

4.1 Deleting the existing definition of “sign” and substituting the following:

“sign” means any message, mark, structure, symbol or device, placed or erected on, within or near, or applied to the surface of a road, parking station or a reserve, by the local government for the purpose of prohibiting, regulating, guiding or directing the parking or movement of vehicles.”

4.2 Inserting the following definition:

“Joondalup City North” means all that area of land north of Shenton Avenue, bounded by Joondalup and Lakeside Drives and Shenton Avenue.

## **Application of Local Law**

4.3 Amend clause 6 by inserting “(1)” at the beginning of the clause making existing clause 6 sub clause (1) and

Inserting the following sub clause (2):

“(2) the City may enter into written agreements with owners of private car parks, to regulate, control and manage the parking of vehicles in those car parks under the terms and conditions as may be agreed between the parties.”

## **PARKING ON ROADS**

4.4 Amend clause 38(1) Commercial vehicles, by:

Inserting the words “...and not at any other time.” following the words “.. between the hours of 7.00am and 6.00pm.”

4.5 Amend clause 42 Verge Parking, by:

Inserting the following sub clause:

“(3) the provisions of sub clause (2) do not apply to the area of the City referred to as ‘Joondalup City North.’”

## **REMOVAL OF VEHICLES CAUSING OBSTRUCTIONS**

4.6 Amend clause 62 Recovery of Removed Vehicles, by:

Removal of the colon after the words “...appointed Place” in sub clause (1),

Deletion of the whole of sub clause (1)(a),

Deletion of (b) at the beginning of sub clause 1(b) to create sub clause (1) and  
Deletion of the words “.....two (2) months of....” following the words “...in the appointed place, after....” in what was previously sub clause 1(b).



---



---

## PART 3 – PRIVATE PROPERTY

### Amendment

- 5 The City of Joondalup Private Property Local Law 1998 published in the Government Gazette on Monday, 8 March 1999, is hereby amended in the following manner:

#### Definitions

- 5.1 Insert the following definition:

“state of disrepair” in relation to wrecking and storage of vehicles, means a vehicle, part, or body of a vehicle or machinery that is not working or needs repair for it to work as initially intended or can not be used, driven or applied for the purpose it was manufactured;”

Clauses 5.2 and 5.3 deleted

Amd  
GG No. 12  
14.01.15

### VEHICLE WRECKING

- 5.4 Amend clause 37 Wrecking and Storage of Vehicles Generally, by:

Inserting the words “... on any residential lot” in clause 37 so as to read, “A person must not on any residential lot..... ”

Clauses 5.5, 5.6 and 5.7 deleted

Amd  
GG No. 12  
14.01.15

## PART 4 – SIGNS

Part 4 deleted

Amd  
GG No. 12  
14.01.15

## PART 5 – ANIMALS

### Amendment

- 7 The City of Joondalup Animals Local Law 1999 published in the Government Gazette on Friday, 27 August 1999, is hereby amended in the following manner:

#### LIVESTOCK

- 7.1 Amend clause 24 Property to be fenced, by:

Deleting sub clause 24(2) and substituting the following sub clause:

“(2) The minimum fencing requirements to confine livestock in a rural or special rural area shall be a sufficient fence, a permissible fence or other barrier which is continuously capable of confining livestock and in the case of a dividing fence, as agreed between the adjoining property owners.”

## **PIGEONS**

7.2 Amend clause 29 Application for Certificate of Registration, by:

Inserting the following words in sub clause (2) "In the case of an initial application or where any variations to the original application are required," before the word "Lodged" at the commencement of the clause.

## **ANIMALS, BIRDS AND POULTRY**

7.3 Amend sub clause 40(1) Keeping a Miniature Horse, by:

Inserting the words "zoned residential, special residential or special rural" after the words "miniature horse on land".

7.4 Amend Clause 41 Keeping of Pigs, by:

Inserting the words ", special residential area" after the words "residential area" in sub clause 41(1);

Inserting the words "area, special residential area" after the words "in any residential" in sub clause 41(4);

Deleting the word "The" and inserting the words "On land zoned residential, special residential or special rural," at the beginning of the sub clause 41(5).

7.5 Amend clause 45 Keeping of Cats, by:

Inserting the words "...commercial area or industrial area" after the words "...in any rural area" in sub clause (3)

Re numbering the sub clause commencing with the words, "A registration issued by the ...." from (3) to (4).

## **MISCELLANEOUS**

7.6 Delete clause 54 Date of Birth to be Given on Demand.

### **First Schedule - Offences and Modified Penalties**

7.7 Amend the First Schedule by:

Inserting in item 38 referring to sub clause 41(1), the words "special residential" following the word "residential,"

Inserting in item 40 referring to sub clause 41(4), the words "special residential" following the word "residential,"

Inserting in item 62 referring to sub clause 45(3)(a), the words “commercial area or industrial area” following the words “rural area”

Deleting item 76 referring to sub clause 54(2), Date of birth offence and penalty.

## **PART 6 – TRADING IN PUBLIC PLACES**

### **Amendment**

- 8 The City of Joondalup Trading in Public Places Local Law 1999 published in the Government Gazette on Friday, 27 August 1999, is hereby amended in the following manner:

#### **LICENCE AND APPROVALS**

- 8.1 Amend Clause 8 Determination of Application, by:

Deleting sub clause (1)(b)

#### **OUTDOOR DINING**

- 8.2 Amend Clause 17 Licence Application, by:

Deleting clause number “(1)”; and

Deleting the words “and licence fee” in sub clause (a).

- 8.3 Amend Clause 18 Outdoor Dining Licence, by:

Inserting the following new sub clause 18(c)

“(c) be issued on approval of the application and payment of the licence fee”

#### **STREET MARKETS**

- 8.4 Amend Clause 24 Licence Application, by:

Deleting clause number “(1)”; and

Deleting the words “and licence fee” in sub clause (a).

- 8.5 Amend Clause 25 Street Market Licence, by:

Inserting the following new sub clause 25(e)

“(e) be issued on approval of the application and payment of the licence fee”

---

---

## **STREET TRADING**

8.6 Amend Clause 30 Licence Application, by:

Deleting clause number “(1)”; and

Deleting the words “and licence fee” in sub clause (a).

8.7 Amend Clause 31 Street Trading Licence, by:

Inserting the following new sub clause 31(f)

“(f) be issued on approval of the application and payment of the licence fee.”

## **STREET ENTERTAINMENT**

8.8 Amend Clause 36 Licence Application, by:

Deleting the words “and licence fee” in sub clause (a).

8.9 Amend Clause 37 Street Entertainment Licence, by:

Inserting the following new sub clause 37(e):

“(e) be issued on approval of the application and payment of the licence fee.”

8.10 Amend Clause 39 Responsibilities of Licensee, by:

Deleting the semi colon after the word “performance” at the end of the sub clause 39(1)(d) and inserting the following: “, unless specifically authorised by endorsement on the licence;”

Deleting the semi colon after “9.00am” at the end of the sub clause 39(1)(g) and inserting the words: “the following Monday;”

Deleting the numerals “50” and insert the numerals “40” in the first line of the sub clause 39(2)(e)

Insert the following new sub clause 39(2)(f):

“(f) comply with the terms and conditions of the licence.”

Deleting the numeral “2” after the words “...a maximum of ” and inserting the numeral “4” in the first line of sub clause 39(4)(a).

**SECURED SUM**

8.11 Amend Clause 42 Use by the Local Government of the Secured Sum, by:

Inserting the following sentence at the end of sub clause 42(2):

“The reinstatement costs to be recouped by the City from the licensee, shall be limited to the total costs actually incurred by the City in completing the reinstatement works under this clause.”

**MISCELLANEOUS**

8.12 Delete clause 49 Date of Birth to be Given on Demand.

**First Schedule – Offences and Modified Penalties**

8.13 Amend the First Schedule by:

Inserting in item 64 referring to sub clause 39(1)(d), the words “without approval” following the word “performance,”

Deleting in item 78 referring to sub clause 39(2)(e), the numerals “50” and substituting the numerals “40” and deleting the words “or return to the same location within 2 hours” following the words “at end of performance”

Deleting in item 83 referring to sub clause 39(4)(a), the numeral “2” and substituting the numeral “4”

Inserting new item number 81A “fail to comply with terms and conditions of licence \$100”

Deleting item 87 referring to clause 49(2), date of birth offence and penalty.

**PART 7 – HEALTH****Amendment**

9 The City of Joondalup Health Local Law 1999 published in the Government Gazette on Friday, 27 August 1999, is hereby amended in the following manner:

**PRELIMINARY**

9.1 Amend Clause 1.5 Interpretation, at the definition of “hot water” by:

Deleting the words “...of at least 75 degrees Celsius” and substituting “...in accordance with AS/NZS 3500.4.2”

Deleting the definitions of “restaurant” and ‘take away”.

## **HOUSING AND GENERAL**

9.2 Amend by the addition of the new clause 3.6 as follows:

### **“3.6 Rear service door to food premises**

The proprietor of a Class 1 Food Premises (as defined in the Health (Food Hygiene) Regulations 1993) is to provide a rear service access to those premises.

## **PEST CONTROL**

9.3 Amend Clause 6.4 Swimming pools, by:

Inserting “(1)” in front of the word “Where” at the commencement of the sub clause, and

Inserting a new sub clause (2) as follows:

- “(2) Where a swimming pool is not being maintained in accordance with sub clause 1(b) and the owner or occupier fails to respond to a written request to contact an Environmental Health Officer within 24 hours of a notice to do so being served, the Environmental Health Officer may treat the pool in accordance with sub clause (1)(d) to prevent mosquitoes from breeding.”

(Extract from Government Gazette (No 7) of 15 January 2002)

**LOCAL GOVERNMENT ACT 1995  
HEALTH ACT 1911**

**The Municipality of the City of Joondalup**

**AMENDMENT LOCAL LAW 2001**

Under the powers of the Local Government Act 1995 and Health Act 1911 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on 19<sup>th</sup> December, 2001.

**ARRANGEMENT**

PART 1 - PRELIMINARY.....	Clauses 1 - 3
PART 2 - PARKING.....	Clauses 4 - 4.28
PART 3 - ANIMALS.....	Clauses 5 - 5.6
PART 4 - HEALTH.....	Clauses 6 - 6.2
PART 5 – PRIVATE PROPERTY...(deleted).....	Clauses 7 - 7.5
PART 6 – LOCAL GOVERNMENT AND PUBLIC PROPERTY ... (deleted)	Clauses 8 - 8.3
PART 7 – BUSHFIRE PREVENTION AND CONTROL.....	Clauses 9 – 9.1

Amd  
GG No. 12  
14.01.15

**PART 1 - PRELIMINARY**

**Title**

- 1 This local law may be referred to as the City of Joondalup Amendment Local Law 2001.

**Commencement**

- 2 This local law comes into operation 14 days after the date of its publication in the Government Gazette.

**Purpose**

- 3 The purpose of this local law is to amend various clauses in the Parking, Private Property, Animals, Local Government and Public Property, Health and Bushfire Prevention and Control Local Laws to ensure information is current with prevailing legislation and better clarify the requirements of the local laws.

---

---

## PART 2 - PARKING

### Amendment

- 4 The City of Joondalup Parking Local Law 1998 published in the Government Gazette on Monday, 9 November 1998, is hereby amended in the following manner:

### PRELIMINARY

#### Definitions

- 4.1 Insert the following new definition:

“ACROD sticker” means a current parking sticker issued by ACROD Limited (Western Australian Division) a corporation, being a company limited by guarantee incorporated under the *Companies Ordinance 1962* of the Australian Capital Territory.

- 4.2 Delete the existing definition of “cycle” and insert the following:

“cycle” means any wheeled vehicle that is designed to be propelled solely by human power but does not include a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).

- 4.3 Delete the definition of “omnibus” and insert the following new definition:

“bus” means a motor vehicle built mainly to carry people, that seats over 12 adults (including the driver).

- 4.4 Delete the existing definition of “emergency vehicle” and insert the following:

“emergency vehicle” means a motor vehicle-

- (a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with official duty;
- (b) of a fire brigade on official duty in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- (c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;



- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- (e) duly authorised as an emergency vehicle for the purpose of the Road Traffic Code 2000, by the Director General.

4.5 Insert the following new definition:

“fire hydrant” means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of a fire or other emergency.

4.6 Delete the definition of “stand” and insert the following new definition:

“stop” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or complying with the provisions of any law, and “stopping” and “stopped” have correlative meaning.

4.7 Delete the existing definition of “motorcycle” and insert the following:

“motorcycle” means a motor vehicle designed to travel on two wheels and includes a motorcycle to which a side car is attached and a motor vehicle with three wheels that is ridden in the same way as a motor vehicle with two wheels but does not include any trailer.

4.8 Delete the definition of “footway” and insert the following new definition:

“footpath” means an area that is open to the public that is designed for, or has one of its main uses, use by pedestrians.

4.9 Delete the existing definition of “vehicle” and insert the following:

“vehicle” includes every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means and where the context permits, an animal being driven or ridden but does not include a wheeled toy or wheeled recreation device.

4.10 Insert the following new definition:

“obstruct” means to hinder in passing and “obstruction” has correlative meaning.

4.11 Insert the following new definition:

“painted island” means an area of road surrounded by a line or lines (whether broken or continuous), which may be further identified by stripes marked on the enclosed road surface, or by the enclosed road surface being a contrasting colour, but not including road within a dividing line.

4.12 Delete the existing definition of “median strip” and insert the following:

“median strip” means –

- (a) any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions in parking stations; or
- (b) any physical provision, other than lines, including a traffic island, designed to separate parked vehicles from vehicle movement areas.

4.13 Amend the definition of “sign” by inserting the word “, stopping” before the words “or movement of vehicles”.

4.14 Delete the existing definition of “taxi” and insert the following:

“taxi” means a vehicle which is used for the purpose of stopping or plying for hire or otherwise for the carrying of passengers for reward but does not include a bus.

4.15 Delete the existing definition of “tow truck” and insert the following:

“tow truck” means a motor vehicle equipped with a crane or winch used or intended to be used for the lifting, salvaging, carrying or towing of vehicles and includes any motor vehicle to which is attached (temporarily or otherwise) a device or trailer which is used or intended to be used for the lifting, salvaging and carrying of any motor vehicle.

4.16 Delete the existing definition of “trailer” and insert the following:

“trailer” means any vehicle without a motor of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle or a side-car.

4.17 Delete the existing definition of “verge” and insert the following:

“verge” means that portion of a road that lies between the nearest property line, and a carriageway designed or ordinarily used for vehicular traffic but does not include a footpath.

4.18 Throughout the Parking Local Law:

Substitute the words “stand” and “standing” with the words “stop”, “stopped” and “stopping” as the context requires.

4.19 Throughout the Parking Local Law:

Substitute the words “omnibus” and “omnibuses” with the words “bus” and “buses”, as the context requires.

4.20 Throughout the Parking Local Law:

Substitute the word “footway” with the word “footpath”, as the context requires.

## **PARKING ON ROADS**

4.21 Amend clause 34 Parking Contrary to Signs by:

Inserting the following new sub clause 34(4):

- (4) Notwithstanding the provisions of sub clause 34(3), a driver may park a vehicle in a permissible parking stall or station for twice the length of time specified by a sign, provided that:
  - (a) the driver’s vehicle displays a current ACROD sticker; and
  - (b) a person with disabilities is either the driver or a passenger in the vehicle.

4.22 Amend clause 36 Traffic Islands and Median Strips by:

Deleting sub clause 36(c).

Inserting (1) in front of the word “A” in line 1 and inserting the word “or” after the semi colon at the end of sub clause (a). Replace the semi colon at the end of sub clause (b) with a full stop and delete the word “or”.

Inserting the following new sub clause 36(2):

- (2) A person shall not park a vehicle on any part of a road so that any portion of the vehicle is on a painted island.

4.23 Amend clause 39 Parking Near a Fire Hydrant and Post Box by:

Deleting sub clause 39(2) and inserting the following clause 39(2):

- (2) A person shall not stop or park a vehicle within 3 metres of a public post box, unless the vehicle is being used for the purpose of dropping off, or picking up passengers or mail.

4.24 Amend clause 40 Intersections, Footpaths and Traffic Obstructions by:

Deleting sub clause 40(a) and inserting the following clause 40(a):

- (a) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic control signals) intersecting that carriageway on the side on which the vehicle is stopped;

4.25 Delete clause 41 and insert the following clause 41:

- (1) A person shall not stop or park a vehicle so that any portion of a vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to a person who stops a vehicle in traffic or in parking a vehicle in a parking stall.

4.26 Amend clause 43 Bus Stops, Pedestrian and Children's Crossings by:

Amending sub clause 43(1) by deleting the numeral "9" and inserting the numerals "10".

Amending sub clause 43(2) by deleting the numerals "18" and inserting the numerals "20".

## MISCELLANEOUS

### First Schedule Modified Penalties

4.27 Amend the First Schedule by:

Amending clause 40(a) by deleting the numeral "6" and inserting the numerals "10".

Amending clause 43(1) by deleting the numeral "9" and inserting the numerals "10".

Amending clause 43(2) by deleting the numerals "18" and inserting the numerals "20".

Inserting the following clause and modified penalty:

Clause 36(2) Parking on a painted island ..... 40

Amending the following Clause numbers with the new modified penalty:

Clause 10 Parking in a metered/ticketed zone outside a parking stall..... 40

Clause 12(1)(b) Stopping or parking against an expired meter in a metered Stall.....	40
Clause 13(2)(a) Parking during a prohibited period in a metered or ticket parking stall .....	40
Clause 13(3) Parking longer than the time allowed in a metered or ticket stall.....	40
Clause 14(a) Stopping or parking a vehicle with an expired ticket in a ticket zone.....	40
Clause 21(1)(a) Failing to display an unexpired parking ticket in a Metered zone .....	40
Clause 23(1) Parking in a parking station not wholly within a parking Stall .....	40
Clause 34(3) Parking on a road for more than the maximum period.....	40
Clause 35 Stopping or parking in an occupied parking stall .....	40
Clause 40(c) Stopping or parking in front of a right of way, driveway etc .....	60
Clause 41 Double parking .....	60
Clause 42(2) Parking on a street verge without consent .....	40
Clause 47(b) Vehicle for sale on road or verge .....	40
Clause 50 Drive, ride, park or stop a vehicle on a reserve or foreshore ...	60
All other offences not classified .....	40

### **Second Schedule Parking Stations**

4.28 Delete “Schedule 2” from the local law.

---

---

## PART 3 - ANIMALS

### Amendment

- 5 The City of Joondalup Animals Local Law 1999 published in the Government Gazette on Friday 27 August 1999, is hereby amended in the following manner:

#### DOGS

- 5.1 Amend clause 10 Dog Exercise Areas by:

Inserting (1) in front of the word “All” in line 1 and insert the following new sub clause 10(2):

- (2) A person may exercise a dog on the coastal dual use path that extends through the Foreshore Reserve 20561 and abutting reserves and road reserves, provided the dog remains under effective control on a leash at all times.

- 5.2 Amend clause 14 Maximum Number of Dogs by:

Deleting the words “and have planning approval under the town planning scheme” after the word “Act”.

#### LIVESTOCK

- 5.3 Amend Clause 26 Horse Exercise Area by:

Deleting the words “shown delineated in black and stippled on Department of Land Administration Diagram 585,” in sub clause 26(6).

#### ANIMALS, BIRDS AND POULTRY

- 5.4 Amend clause 45 Keeping of Cats by:

Deleting sub clause 45(1) and inserting the following sub clause 45(1):

- (1) Subject to sub-clauses (2) and (3), the owners or occupiers of a property shall not permit more than 3 cats over the age of 3 months to be kept on that property.

#### MISCELLANEOUS

##### Second Schedule – Prohibited Dog Exercise Areas

- 5.5 Amend the Second Schedule by:

Inserting the word “Neil” in front of the word “Hawkins” in clause 1.

Inserting the following line in clause 1:

Tom Simpson Park, Mullaloo, being Reserve No 32074 and Lot 1 (5) Oceanside Promenade, Mullaloo.

Deleting clause 2 and inserting the following clause 2:

2. Foreshore Reserve 20561, other than:

All that area of the Foreshore Reserve Swan Location 11918 (Reserve 20561) as shown delineated in black on Diagram 1 – Dog Exercise Area, from the constructed horse access path southwards for a distance of 650 metres as designated by signs.

Deleting “Department of Land Administration Miscellaneous Diagram 586” map and inserting “Diagram 1 – Dog Exercise Area” to the Second Schedule.

### **Third Schedule – Horse Exercise Area, Restricted Dog Exercise Area**

5.6 Amend the Third Schedule by:

Deleting the existing clause and inserting “All that area of the Foreshore Reserve Swan Location 11918 (Reserve 20561) as shown delineated in black on Diagram 2 – Horse Exercise Area, from the constructed horse access path northwards for a distance of 160 metres as designated by signs.”.

Deleting “Department of Land Administration Miscellaneous Diagram 585” map and inserting “Diagram 2 – Horse Exercise Area” to the Third Schedule.

## **PART 4 - HEALTH**

6 The City of Joondalup Health Local Law 1999 published in the Government Gazette on Friday 27 August 1999, is hereby amended in the following manner:

### **HOUSING AND GENERAL**

6.1 Insert the following new clause:

#### **3.7 Swimming Pools**

The owner or occupier of a premises where there is a swimming pool shall ensure that backwash or other water emptied from the pool does not discharge onto any other property unless approved by an Environmental Health Officer.

---

---

**PEST CONTROL**

6.2 Amend clause 6.4 Swimming pools by:

Deleting sub clause 6.4(1)(d) and inserting the following sub clause 6.4(1)(d):

- (d) Pour a minimum of 1 litre of paraffin oil or kerosene into the pool to maintain a thin visible film over the entire water surface.

**PART 5 - PRIVATE PROPERTY**

Part 5 (Clause 7) deleted

Amd  
GG No. 12  
14.01.15

**PART 6 - LOCAL GOVERNMENT AND PUBLIC PROPERTY**

Part 6 (Clauses 8 - 8.3) deleted

Amd  
GG No. 12  
14.01.15

**PART 7 - BUSHFIRE PREVENTION AND CONTROL**

9 The City of Joondalup Bushfire Prevention and Control Local Law 1998 published in the Government Gazette on Friday 8 January 1999, is hereby amended in the following manner:

**PRELIMINARY****Definitions**

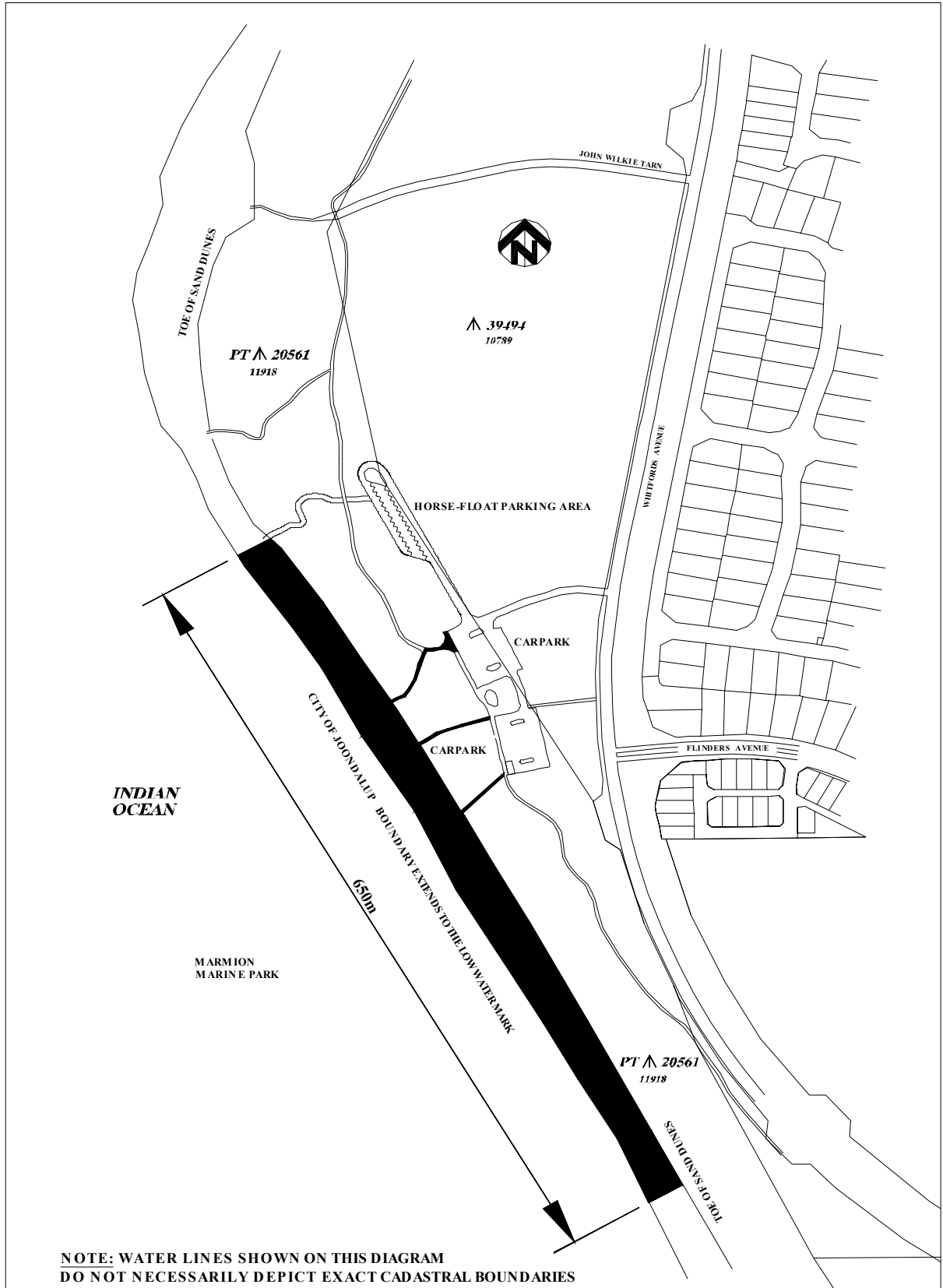
9.1 Amend clause 5 Definitions by:

Deleting the existing definition of “firebreak period” and inserting the following:

“firebreak period” means the period of time between the 31<sup>st</sup> day of October in any year until the 31<sup>st</sup> day of May inclusive in the following year.



**SECOND SCHEDULE  
CITY OF JOONDALUP ANIMALS LOCAL LAW 1999  
DIAGRAM 1 – DOG EXERCISE AREA**



**THIRD SCHEDULE  
CITY OF JOONDALUP ANIMALS LOCAL LAW 1999  
DIAGRAM 2 – HORSE EXERCISE AREA**

